

Malpractice and Maladministration Policy

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Introduction

This policy sets out our approach to malpractice and maladministration. It includes the steps that we will take to manage, mitigate and report potential instances identified in the event that suspected or actual cases of malpractice/maladministration have occurred including our responsibilities in dealing with such cases. It also sets out the procedural steps we will follow when reviewing the cases.

Where malpractice or maladministration is alleged or suspected, we will investigate to determine whether malpractice or maladministration has occurred and will take all reasonable steps to prevent any resulting Adverse Effect. Where an Adverse Effect has occurred, we will take all necessary steps to mitigate or correct the Adverse Effect and will notify the Regulators accordingly.

This policy is designed to:

- protect registered candidates
- minimise the risk of an Adverse Effect from occurring
- help ensure that compliance with regulatory conditions is maintained.

Scope

This policy is aimed at the users of our qualifications, who are taking, delivering, or assessing our regulated qualifications or units. Users of our qualifications may be exam or delivery centres, centre staff, candidates, contractors or satellite centres and it also may relate to internal staff and their practices. It is essential that all users involved in any way with our qualifications read and understand this policy.

This policy is also for use by our staff to ensure they deal with all malpractice and maladministration investigations in a consistent manner.

Responsibilities of centres in preventing malpractice and maladministration

All centre staff involved in the management, assessment and quality assurance of our qualifications, must be fully aware of the contents of the policy and understand the arrangements that are in place to prevent and investigate instances of malpractice and maladministration.

Centres must notify us immediately of any potential malpractice or maladministration. Failure to report suspected or actual malpractice/maladministration cases, or to have in place effective arrangements to prevent such cases, may lead to sanctions being imposed on centres, centre staff or candidates by CIOLQ.

Full cooperation with any investigation undertaken by CIOLQ is required and compliance with requests for information adhered to within the timelines specified.

As a point of reference, the Centre Agreement should be read and understood at signing and at the conditions within, reviewed at various intervals. At a minimum, centres must:

- ensure that this policy is made available to candidates and that they are made aware of their rights and responsibilities
- clearly document all procedures to be followed by candidates in the conduct of assessments and to ensure that candidates are made aware of these procedures
- ensure that this policy is made available to staff and professional contractors so that they are aware of their responsibilities in the prevention of malpractice and maladministration
- ensure that staff and professional contractors remain vigilant to possible instances of malpractice and maladministration

- communicate any CIOLQ changes to systems and procedures to staff/assessors/moderators in a clear and timely manner.

Responsibilities of CIOLQ in preventing malpractice and maladministration

In order to prevent the occurrence of malpractice and maladministration CIOLQ will:

- ensure that it maintains a rigorous process of centre approval that considers the ability of the centre to conduct CIOLQ assessments in an appropriate and secure manner
- ensure that all centres are informed of what activity constitutes malpractice and maladministration; their role in preventing it and the need to communicate relevant points to all members of centre staff
- communicate any changes to systems and procedures to centres in a clear and timely manner
- monitor that the internal centre procedure for preventing and dealing with malpractice and maladministration is clearly defined and communicated within the centre
- ensure that quality monitoring of all centres is carried out regularly and thoroughly by appropriately trained CIOLQ staff/representatives
- ensure that CIOLQ sanctions are clearly documented and communicated to all centres to clearly state any repercussions of malpractice and maladministration could be.

For the purpose of this policy this term also covers misconduct and forms of unnecessary discrimination or bias towards certain groups of candidates.

Anybody who identifies or is made aware of suspected or actual cases of maladministration at any time must immediately report their findings to the Head of Centre or relevant other senior member in the organisation. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

The categories listed below are examples of centre and candidate malpractice. Please note that these examples are not exhaustive and are only intended as guidance to definitions of malpractice:

- Contravention of our centre and qualification approval conditions
- Denial of access to resources (premises, records, information, candidates and staff) by any authorised CIOLQ staff or the regulatory authorities
- Failure to carry out delivery of qualifications, exams, internal assessment, internal moderation or internal verification in accordance with our requirements
- Deliberate failure to adhere to our candidate registration and certification procedures
- Deliberate or persistent failure to continually adhere to our centre or qualification approval criteria
- Deliberate failure to maintain appropriate auditable records such as candidate achievement tracking, registration or certification records
- Fraudulent claims for certificates
- Unauthorised use of materials/equipment in assessment settings for example mobile phones, dictionaries, smart watches and cameras as relevant to the specific requirements of the assessment
- Intentional withholding of information from us which is critical to maintaining the rigour of quality assurance and standards
- Deliberate misuse of our logo and trademarks
- Forgery of evidence
- Collusion or permitting collusion in exams
- Candidates still working towards qualifications after certification claims have been made

- Contravention by our centres and candidates of the assessment arrangements we specify for our qualifications
- Insecure storage of assessment materials and exam papers
- Plagiarism of any nature by candidates
- Unauthorised amendment, copying or distributing of exam papers
- Inappropriate assistance to candidates by centre staff (e.g., unfairly helping them to pass a unit or qualification)
- Submission of false information to gain a qualification or unit
- Failure to keep exam question papers and other assessment materials secure, before, during or after an examination
- Allowing a candidate to possess electronic devices or materials forbidden in the assessment rules
- Allowing candidates to work beyond the allocated exam time
- Leaving candidates unsupervised during an exam
- Assisting or prompting candidates with answers

Definition of Maladministration

Maladministration is essentially any activity or practice which results in non-compliance with administrative regulations and requirements and includes the application of persistent mistakes or poor administration within a centre (e.g., inappropriate use of candidate records).

Whilst it is not usually deliberate, each case will be judged individually and depending on the impact and severity, it may be deemed maladministration.

Anybody who identifies or is made aware of suspected or actual cases of maladministration at any time must immediately report their findings to the Head of Centre or relevant other senior member in the organisation. In doing so they should put them in writing/email and enclose appropriate supporting evidence.

The categories listed below are examples of centre and candidate maladministration. Please note that these examples are not exhaustive and are only intended as guidance to definitions of maladministration:

- Failure to adhere to our candidate registration and certification procedures
- Failure to adhere to our centre recognition and/or qualification requirements and/or associated actions assigned to the centre
- Late candidate registrations (both infrequent and persistent)
- Failure to adhere to our candidate registration and certification procedures
- Failure to adhere to CIOLQ candidate registration and certification procedures
- Inaccurate claims for certificates
- Unreasonable delays in responding to requests and/or communications from CIOLQ
- Unintentional misuse of our logo and trademarks or misrepresentation of a centre's relationship with CIOLQ and/or its recognition and approval status
- Failure to adhere to, or to interpret and apply, the requirements of our policies.
- The application of persistent mistakes or poor administration within a centre (e.g., failure to maintain appropriate candidate records)
- Administration errors with course paperwork, i.e., incorrect marking of candidate portfolios, worksheets, not signing the declaration etc.
- Failure to maintain appropriate auditable records, e.g., certification claims and/or forgery of evidence

Examples of candidate malpractice

This could include (this list is not exhaustive):

- Plagiarism – failure to acknowledge sources properly and/or the submission of another person’s work as if it were the candidate’s own
- Collusion with others when an assessment must be completed by individual candidates
- Copying – from another candidate
- Personation – assuming the identity of another candidate or having someone assume your identity during an assessment
- Inclusion of inappropriate, offensive, discriminatory or obscene material in assessment evidence. This includes vulgarity and swearing that is outside of the context of the assessment, or any material of a discriminatory nature (including racism, sexism and homophobia)
- Inappropriate behaviour during an assessment that causes disruption

Examples of Awarding Organisation malpractice

This could include (this list is not exhaustive):

- Insecure storage of assessment instruments and marking guidance
- Misuse of assessments, including inappropriate adjustments to assessment decisions
- Deliberate falsification of records in order to support the issuing of certificates
- Knowingly failing to adhere to regulations
- Failure to keep examination question papers and other assessment materials secure, before, during or after an examination
- Assisting or giving candidates answers to examination question papers and assignment briefs
- Failure to act on recognition of maladministration or malpractice carried out by CIOLQ stakeholders or other CIOLQ staff members/assessment associates/contractors

Identifying Malpractice and Maladministration

Malpractice or maladministration may be identified by the following activities:

- At centre level through scheduled quality assurance activity and monitoring
- At CIOLQ through intelligence, complaints or feedback received from centre staff, candidates, whistle blowers, assessors, etc.
- At CIOLQ through information from other organisations e.g., evidence or knowledge from Awarding Organisations, Ofqual or other stakeholders

Malpractice/suspected malpractice may be identified by the following persons:

- A CIOLQ Assessment Associate
- A CIOLQ member of staff
- Board or Council member
- Centre staff
- A whistle blower
- A Candidate
- A Regulator

Investigation of malpractice or maladministration

There are a number of ways in which we will identify suspected malpractice using existing systems and operations that we have in place as well as our staff and assessment associates identifying occurrences identified during quality assurance activity and monitoring of delivery or exam centres.

Whistleblowing is when an individual discloses information relating to actual or potential malpractice or the covering up of malpractice. In the case of a suspected case of malpractice brought to our attention by a third party we will take steps to establish the facts of the alleged case. We will always protect the identity of the third part of this is requested unless it is legally required to disclose.

All external (centres, centre staff, candidates) allegations must include (as relevant) the:

- Centre name, address and number
- Candidate's name and awarding organisation number
- Centre staff details (name, job role) if they are involved in the case
- Title and QAN number of the qualification affected or nature of the service affected
- Date(s) suspected or actual malpractice occurred
- Full nature of the suspected or actual malpractice
- Contents and outcome of any investigation carried out by the centre or anybody else involved in the case, including any mitigating circumstances
- Written statements from informant's name, position and signature

Centres must conduct an investigation before submitting it formally to CIOLQ, the centre should:

- Ensure that staff leading the investigation are independent of the staff/candidates/function being investigated
- Inform those who are suspected of malpractice that they are entitled to know the necessary details of the case and possible outcomes
- Submit the findings of the investigation to us with your report

In all cases we'll protect the identity of the 'informant' in accordance with our duty of confidentiality and/or and other legal duty.

CIOLQ investigation and response

In the case of allegations CIOLQ will review the information and make a decision as to whether it is appropriate to:

- Take no further action and close the case
- Request the Head of Centre to conduct a full internal investigation into the alleged malpractice and submit a written report to CIOLQ
- Investigate the matter directly and issue an action plan or sanction
- Nominate a third party who is independent of the normal day-to-day working relationships with the centre or CIOLQ, to carry out the investigation.

Investigation timeliness and process

The main purpose of our investigations will be to establish the facts to ascertain if any regulations have been breached and the subsequent impact if they have. CIOLQ aim to action and resolve all stages of the investigation within 20 working days of receipt of the allegation.

The investigation may involve:

- A request for further information
- Interviews (face to face or by telephone) with personnel involved in the investigation
- Where a member of CIOLQ's staff is under investigation they may be suspended, or they may be moved to other duties until the investigation is complete.

Throughout the investigation our Head of Qualifications will be responsible for overseeing the work of the investigation team to ensure that due process is being followed, appropriate evidence has been gathered and reviewed for liaising with and keeping relevant parties informed.

Suspected malpractice by a candidate. During the investigation process CIOLQ will:

- Decide on its response
- Decide whether there is a case to answer and recommend that the candidate's results be withheld
- Decide whether to investigate the case further, in which case the candidate will be informed
- Inform the candidate of which results will not be released until the investigation is complete and may request the candidate to provide a statement concerning the alleged malpractice
- Decide whether the candidate's results can be released, in which case the original results will be issued
- Decide whether the results should be withheld indefinitely, in which case the paper for each component in which malpractice has been confirmed will be voided and zero marks awarded
- If the candidate wishes to appeal against a malpractice decision, they can do so in writing within 10 days, to the Head of Qualifications.
- This will be considered by the IoLET Trust Board, and their decision given within 5 days of that meeting.

Suspected malpractice by a centre, if relevant. During the investigation CIOLQ will:

- Decide on its response
- Decide whether there is a case to answer and recommend that the results are withheld. The result withheld could be the results of an individual candidate or selected candidates or of the whole exam session at a centre
- Decide whether to investigate the case further, in which case the centre will be informed that an investigation is being conducted
- Either decide to notify affected candidates directly or through the centre. In the case of the latter, the centre is asked to inform the affected candidates and to act as an intermediary between CIOLQ and the candidate in the investigation if appropriate
- Inform the centre of which results will not be released until the investigation is complete and request a report concerning the alleged malpractice or maladministration
- Give the centre 10 working days from the date of the notification in which to respond
- Decide whether to suspend the centre from enrolling new candidates for CIOLQ exams until the investigation is complete. If this happens, the centre may be required to permit affected candidates to take resits at another centre during the investigation
- Decide whether it is necessary to seek further evidence from candidates, the examiner, and marker
- Reconsider all the evidence, considering the centre's report and any additional information.

Reporting

Where the investigation into the alleged malpractice has been carried out by the centre, the exam officer or their nominee should submit a written report to CIOLQ.

Where the investigation has been carried out by CIOLQ, a written report will be produced by the Responsible Officer.

The report may include the following information:

- An account of the circumstances relating to the alleged malpractice or maladministration
- Details of the investigations carried out and by whom
- Written statements
- Invigilator report forms, attendance records and seating plans
- Evidential proof of the malpractice or maladministration such as unauthorised material or candidate evidence
- Any extenuating circumstances or mitigating circumstances
- Any other documentation or evidence that is appropriate to the allegation and investigation

Decision

An internal malpractice and maladministration review panel will convene consisting of the Head of Qualifications and appropriate managers. The decision of CIOLQ will be conveyed to the centre within 10 days. An appeal against the decision may be made in writing within a further 10 days, to the Head of Qualifications. This will be considered by the IoLET Trust Board, and their decision given within 20 working days.

The Responsible Officer will report any significant cases upheld, to the regulatory authorities via an event notification, and details of all cases will be held on file for inspection.

Sanctions

CIOLQ will impose sanctions proportionate to the evidence presented and the nature and circumstances of the founded malpractice or maladministration.

The purpose of the sanction is to:

- Address the malpractice or maladministration
- Minimise the risk to the integrity of the assessments for the future
- Ensure the validity of the qualification awarded and that candidates have reached the required standard
- Maintain public confidence in the delivery and awarding of CIOLQ qualifications
- Act as a deterrent to others.

A sanction may be applied to a centre or member of centre staff as a consequence of an investigation, or prior to the conclusion of an investigation if deemed necessary by the Head of Qualifications. In some cases, it will act as a means to restrict centre activity and limit any negative effects of the alleged malpractice or maladministration.

Centre sanctions may include but not exhaustive:

- Suspension of centre approval either temporary or permanent
- Written warning
- Action plan
- Additional monitoring or quality assurance
- Suspension of candidate registration

Candidate sanctions may include by not exhaustive:

- Written warning
- Results null and voided
- Loss of marks
- Debarral

Appeals

Appeals may be made against decisions and sanctions arising from a malpractice or maladministration investigation and decision. The appellant must clearly and comprehensively establish the grounds for the appeal including provision of supporting evidence. Such evidence may include:

- further evidence coming to light that alters the original basis of the decision
- evidence that the outcome is not in line with specific guidelines, procedures or regulation
- belief that evidence submitted was incorrect, misinterpreted or not based on the facts of the case.

This must be made formally in writing for the attention of the Head of Qualifications qualifications@ciol.org.uk.

Stage 1 – will consist of a review of the case evidence and documentation by the Head of Qualifications or relevant Manager

Stage 2 – will consist of a panel which will include the Head of Qualifications and independent representation to review the evidence.

Any appeals must be received by CIOLQ within 14 days of the date of the outcome.

Please note that this is different from our Enquiries about Results and Appeals Policy, found on our website, which is for appeals against assessment results.

Disclosure and confidentiality

In cases where there could be an Adverse Effect in particular cases involving alleged fraud or serious threat to the integrity of certification, CIOLQ is required to report the matter to the regulatory authorities and as relevant to other Awarding Organisations.

During the process of investigation and reporting we may need to access confidential information. We will keep the information secure and only use it for the purposes of the investigation and in line with relevant data protection legislation.

Disclosure to third parties will only take place if required to do so, for example if required by the Regulators, Police or other relevant legal parties.

Policy updating and reviewing

All policies relating to CIOLQ will be updated on an 18 month cycle or sooner as required.

Policy version and owner

Policy review date	November 2024
Policy owner	Responsible Officer

Regulatory references

Ofqual General Conditions of Recognition
Condition A6: Identification and management of risks
Condition A7: Management of incidents
Condition A8: Malpractice and maladministration
Qualifications Wales
Condition A6: Identification and management of risks
Condition A7: Management of incidents
Condition G8: Malpractice and maladministration